

**Appendix B**  
**Waukegan Coke Plant Superfund Site**  
**Consent Decree**

**STATEMENT OF WORK**

## STATEMENT OF WORK

For Remedial Action and  
Operation and Maintenance at the

Waukegan Manufactured Gas and Coke Plant - Operable Unit 2  
Outboard Marine Corporation Site  
Waukegan, IL

### **I. PURPOSE**

This Statement of Work (SOW) sets forth requirements for the implementation of all components of the remedial action (RA) set forth in the Record of Decision (ROD) for the Waukegan Manufactured Gas and Coke Plant site, designated as Operable Unit 2 of the Outboard Marine Corporation Superfund site (the Site), Waukegan, IL, which U.S. EPA signed on September 30, 1999. The Settling Defendants shall follow the ROD, the SOW, the Consent Decree, the approved remedial design (RD), U.S. EPA Superfund Remedial Design and Remedial Action Guidance (OSWER Directive No. 9355.0-4A), and any additional published guidance by U.S. EPA for implementation of the RA at the Site. The Scope of Work for Remedial Design of Remedial Action and Operation and Maintenance at the Waukegan Manufactured Gas and Coke Plant - Operable Unit 2 Outboard Marine Corporation Site Waukegan, Illinois shall be included in this Statement of Work upon entry of the Consent Decree. The Performing Settling Defendants are General Motors Corporation and the North Shore Gas Company. The City is the City of Waukegan and the Settling Defendants include the Performing Settling Defendants and the Owner Settling Defendants.

### **II. REMEDIAL ACTION/PERFORMANCE STANDARDS**

#### **Overview of the Remedial Action**

The Settling Defendants shall design and implement the following response activities set forth in the ROD:

- a. the implementation of the PAH-, arsenic-, and creosote-contaminated soils remedy, as set forth in the approved soil design plans and specifications;
- b. the implementation of the groundwater remedial action in accordance with the approved groundwater design plans and specifications; and,
- c. the operation and maintenance of all on-Site remedial actions.

#### **RA Work Plan**

The Performing Settling Defendants must submit to U.S.EPA, for review and approval, a complete Soil RA Work Plan within 14 days of the lodging of the Consent Decree.

The Performing Settling Defendants must submit to U.S. EPA for review and approval a complete Groundwater RA Work Plan concurrent with the prefinal design (95%) submittal for groundwater or within 14 days of the lodging of the Consent Decree whichever is later. The RA Work Plans must state the schedule and tasks necessary to complete all the RA work required by the ROD, as set forth in the RD for the Site. Once U.S. EPA approves a RA Work Plan (and the final design (100%) submittal) the Settling Defendants shall implement the RA Work Plan in accordance with the approved schedule therein. U.S. EPA may approve portions of a RA Work Plan and the Settling Defendants shall begin to implement the approved portions while revising disapproved sections for resubmittal to U.S. EPA for review and approval.

### **Performance Standards**

The Performing Settling Defendants shall design the RA described in the ROD to meet the performance standards and specifications set forth therein and in this SOW. Performance standards shall mean the cleanup standards and other measures of achievement of the goals of the Remedial Action, set forth in the ROD, any EPA-approved Soil or Groundwater Remedial Action Work Plan, including any Performance Standards derived from the Technical Memorandum, Appendix I to the Consent Decree and any standards of control, quality criteria, risk calculations and other substantive requirements, criteria or limitations including all Applicable or Relevant and Appropriate Requirements (ARARs) set forth in the ROD, the SOW, and/or the Consent Decree.

### **III. GENERAL PROVISIONS**

Submittals sent by the Settling Defendants to U.S. EPA for review and approval shall also be sent by Settling Defendants to the state for review and comment.

Any risk calculations required pursuant to completion of this SOW are subject to approval by U.S. EPA. These calculations will be performed according to applicable U.S. EPA procedures and guidelines, including the Risk Assessment Guidance for Superfund Manual (December 1989), as amended, and/or other U.S. EPA guidance in effect at the time the calculations are performed.

In addition to compliance with the cleanup levels set forth in the ROD, this SOW and the Performance Standards for the design, the Settling Defendants shall meet all applicable federal, state and local laws, regulations and standards including, but not limited to, requirements regarding discharges of hazardous substances, pollutants, or contaminants to the Site and to surface waters.

Any activities which take place in or impact wetlands shall be conducted in compliance with Section 104 of the Clean Water Act and with Wetland Management Executive Order 11990 for protection of wetlands, and other federal and state standards, as applicable. The Settling Defendants shall also comply with all requirements regarding the protection of state and/or federal endangered and threatened species at the Site. Notwithstanding the above, it is recognized that disruption to wetlands should be expected and disturbance of threatened plant species or migratory bird nesting areas may result from the Groundwater RA implementation.

The U.S. EPA may assist as necessary in securing agreement from the responsible agencies on reasonable mitigation measures.

#### **IV. SCOPE OF THE REMEDIAL ACTION ACTIVITIES**

The scope of work for the RA activities required to implement the ROD is presented below:

- a. The Settling Defendants shall implement the Site Security Plan in accordance with the approved RA Work Plan and the Consent Decree.
- b. The Performing Settling Defendants shall conduct any soil sampling and analysis activity and submit reports to U.S. EPA for review and approval in accordance with the approved Field Sampling and Analysis Plan (Attachment C, Final Design Report, February, 2004 ) and the approved Soil RA Work Plan schedule.
- c. The Performing Settling Defendants shall conduct any groundwater sampling and analysis activity and submit reports to U.S. EPA for review and approval in accordance with the approved Sampling and Analysis Plan (Pilot Project Work Plan) and the approved Groundwater RA Work Plan schedule.
- d. The Performing Settling Defendants shall conduct the Monitored Natural Attenuation (MNA) study in accordance with the approved MNA Plan and submit reports to U.S. EPA for review and approval in accordance with the approved Groundwater RA Work Plan schedule.
- e. The Performing Settling Defendants shall conduct the soil remedial action in accordance with the approved soil RD and the Soil RA Work Plan schedule.
- f. The Settling Defendants shall implement the Soils Management Plan (SMP) as approved by EPA.
- g. The Performing Settling Defendants shall implement the groundwater remedial action in accordance with the approved groundwater RD and the Groundwater RA Work Plan schedule.
- h. The Settling Defendants shall complete an Operations and Maintenance Plan (O&M Plan) and implement O&M tasks at the Site in accordance with the approved O&M Plan and the schedules in the Soil and Groundwater RA Work Plans.

#### **V. REMEDIAL DESIGN**

Performing Settling Defendants have completed, under the RD Administrative Order on Consent (RD AOC) dated July 2, 2001, or, will complete under the Consent Decree, the Remedial Design.

#### **VI. REMEDIAL ACTION**

##### **Task 1: Remedial Action Work Plan**

The Performing Settling Defendants must develop and submit to U.S. EPA for review and approval a Soil RA Work Plan and a Groundwater RA Work Plan that document the management strategy the Settling Defendants will follow to construct the approved design plans and specifications for the remedial components outlined in Section IV, above. The RA Work Plans must include a project schedule for each major activity and submission of deliverables generated during the RA.

## **Task 2: Implement Remedial Action**

The Settling Defendants shall implement the RA in accordance with the approved RD plans and specifications and the schedules in the Soil and Groundwater RA Work Plans. The Settling Defendants shall complete O&M Plans and submit them to U.S. EPA for review and approval in accordance with the schedule in the RA Work Plans.

The following activities shall be completed during implementation of the soil and groundwater RAs:

### **1. Preconstruction Inspection and Meeting**

The Settling Defendants shall participate with U.S. EPA in a preconstruction inspection and meeting to:

- a. Review methods for documenting and reporting inspection data;
- b. Review methods for distributing and storing documents and reports;
- c. Review work area security and safety protocol;
- d. Discuss any appropriate modifications to the RA Work Plan to ensure that Site-specific considerations are addressed; and,
- e. Conduct a Site walk-around to verify that the specifications are understood and to review material and equipment storage locations.

A person designated by the Settling Defendants shall document and transmit minutes to all parties.

### **2. Prefinal Inspection**

Within 30 days after Performing Settling Defendants make a preliminary determination that a remedial component defined in the RA Work Plan has been completely installed, the Settling Defendants shall notify the U.S. EPA for the purposes of conducting a prefinal inspection. The prefinal inspection shall consist of a walk-through inspection of the remedial component with U.S. EPA. The inspection is to determine whether the project is complete and consistent with the final design documents. Any outstanding construction items discovered during the inspection shall be identified and noted. The

prefinal inspection report shall outline the outstanding construction items, actions required to resolve items, completion date for these items, and a proposed date for final inspection.

3. **Final Inspection**

Within 30 days after completion of any work identified in the prefinal inspection report, the Performing Settling Defendants shall notify U.S. EPA for the purposes of conducting a final inspection. The final inspection shall consist of a walk-through inspection of the Site by U.S. EPA and the Settling Defendants. The prefinal inspection report shall be used as a checklist with the final inspection focusing on the outstanding construction items identified in the prefinal inspection.

4. **Statement of Completion**

Within 60 days of a successful final inspection, Performing Settling Defendants shall submit a Completion of Construction Report. In the report, a registered professional engineer and the Settling Defendants' Project Coordinator shall state that the remedial component has been completed in full satisfaction of the requirements of the Consent Decree. The written report shall include as-built drawings signed and stamped by a professional engineer. The report shall contain the following statement, signed by a responsible corporate official of a Settling Defendant or the Settling Defendants' Project Coordinator:

*"To the best of my knowledge, after thorough investigation, I certify that the information contained in or accompanying this submission is true, accurate and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."*

**VII. OPERATION AND MAINTENANCE**

**Task 3: Implement Operations and Maintenance**

Upon completion of the Soils or Groundwater RA (U.S. EPA accepts the Completion of Construction Report for the specified RA as final), the City shall implement the approved Soil O&M Plan and Performing Settling Defendants shall implement the approved Groundwater O&M Plan in accordance with the schedules therein.

**Task 4: Progress Reports**

The Settling Defendants shall prepare monthly progress reports in accordance with Section X, Paragraph 30, of the Consent Decree for Remedial Action during RA construction. Following issuance of a Certificate of Completion of Construction by U.S.EPA, progress reports shall be submitted quarterly, or on an alternative schedule approved by EPA.

### **VIII. SUMMARY OF MAJOR DELIVERABLES/SCHEDULE**

A summary of the project schedule and reporting requirements contained in this SOW is presented below:

<u>Submission</u>	<u>Due Date</u>
1a Draft Soil RA Work Plan	Within 14 days of Consent Decree lodging
1b Draft Groundwater RA Work Plan	Concurrent with 95% design submittal or within 14 days of Consent Decree lodging, whichever is later.
2. Final RA Work Plan	Thirty days after receipt of U.S. EPA comments on the Draft RA Work Plan
3. Implementation of RA	In accordance with approved schedule in the Work Plan Final RA Work Plan
4. Implementation of O&M	In accordance with approved schedule in the Final RA Work Plan
5. Progress Reports	Monthly until RA Completion, then quarterly or as approved by EPA.

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